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Code?  
Peter  
Halvin

Re: Permit numbers PRT-828950 and 1157.

John Munn  
California Department of Forestry  
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Re: SYP 96-002

As requested by EPIC, I have completed my review of the PALCO HCP/SYP and EIS/EIR for compliance with the biological and legal standards of the ESA, CEQA and NEPA as they relate to the northern goshawk

#### HCP/SYP COMMENTS

The mitigation measures proscribed for goshawk management are completely insufficient to allow goshawks to continue to occupy PL lands over the life of the permits.

PG-1

The temporary 1,000' radius is completely inadequate and devoid of any scientific justification. Austin 1993 recommended "The area considered for management of habitat for breeding goshawks should include a minimum of 4,765 contiguous hectares (11,774 acres), within which habitats should be managed for goshawk foraging, resting, nesting and raising young. Habitats managed for goshawks should include a minimum of 20% of each area in closed-canopied mature and old-growth forest ( $\geq$  10" dbh or  $\geq$  21" dbh, canopy closure  $\geq$  40% canopy closure) No more than 10% of the management area should be maintained in the seedling/sapling/grass-forb habitats and unforested condition." The HCP/SYP projects forest conditions on PL lands which are highly incompatible with maintenance of goshawks and other wildlife species associated with large mature trees and forests.

PG-2

Additionally, there is no mention as to whether PL will even comply with the current inadequate CDF rules regarding goshawk nest buffers. **Functionally, the temporary buffer means that no habitat is specifically deferred from harvest for goshawk nest stands. Biologically, PL is offering a virtually meaningless mitigation measure for goshawks as the nest stands can be harvested as soon as the nesting season is over.** This is also a violation of the Migratory Bird Treaty Act.

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The HCP/SYP grossly selectively references the literature available regarding the status of the goshawks in western North America and completely omits references to numerous studies of goshawks from the Northern California area. An excerpt from a recent thesis (Austin 1993)

PG-4

regarding goshawks in northern California stated "There is growing concern that timber harvest is causing declines of goshawk populations (Reynolds 1983, Bloom et. al. 1986, Fowler 1988, Crocker-Bedford 1990, Reynolds et. al. 1991). Mature and old-growth forests are often selected by goshawks for nesting (Reynolds et. al. 1982, Saunders 1982, Moore and Henry 1983, Hall 1984, Bloom et. al. 1986) and have also been the preferred forests for harvesting timber."

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Cont.

PL has not generated or displayed enough information or analysis regarding the goshawk for the federal and state decision makers to reasonably extend covered species status to the northern goshawk.

The opening of forest canopy and extreme fragmentation of forest stands proposed to continue under the HCP/SYP will render larger and larger areas devoid of the optimal and preferred components for goshawk nesting and foraging. Goshawks are known to avoid openings, such as clearcuts or seedling plantations (Austin 1993) Fragmentation negatively affects goshawks (Woodbridge 1988) found "The primary conclusion of this study was a dramatic reduction in occupancy rates of stands less than 120 acres in size. Highest occupancy rates were in stands over 161 acres." PL's assertion that late-seral forest will be distributed in each WAA says nothing about the configuration of the late-seral forest and whether it is projected that this configuration will sustain goshawks over time, nor does it address fragmentation and forest stand size issues. PL simply does not offer any coherent picture as to how its activities will affect goshawk habitat. In fact, by reading the documents it is obvious that the removal of large amounts of old-growth, residual old-growth combined with the canopy opening and fragmentation will greatly negatively impact goshawks and goshawk habitat. Bloom et. al. (1986) concluded "Timber harvesting appears to be the most important factor adversely affecting northern goshawk populations in California. Silvicultural activities often preclude habitat characteristics necessary for goshawk reproduction, at least for several decades following these activities."

PG-5

Bloom also stated (1986) stated "Northern goshawks are doing relatively poorly in the Northern Coast Ranges-Klamath Mountains and on the east side of the Sierra Nevada."

Perhaps part of the reason few goshawks have been located on PL lands to date is that few credible surveys have been conducted for northern goshawks on PL lands. The HCP/SYP is vague about the extent to which pre-harvest surveying for goshawks will occur over the life of the permits, only specifying that for one area surveys will be done for THP's the next five years. What about the next five decades? Who will decide under what circumstances goshawk surveys will be conducted? There is also no mention of goshawk nest monitoring over time to assess whether the PL "mitigation" measures are effective in maintaining goshawk territories. The goshawk survey protocol outlined in the HCP/SYP does not even assure that surveys will occur for goshawks over the life of the permit. To highlight the importance of surveying for goshawks for their overall viability see Bloom (1986) who stated "Missed nests prior to timber harvest may ultimately mean the loss of breeding territories."

PG-6

The HCP/SYP claims that the Headwaters Reserve will preserve goshawk habitat; yet earlier in the same document it states "Redwood dominated stands seem to lack an adequate diurnal prey base, and in many instances have forest floors covered by thick and often tall brush such as evergreen

PG-7

huckleberry (*Vaccinium ovatum*) which are likely to inhibit the foraging capabilities of this bird." Not only is the literature on goshawks in northern California largely omitted or grossly selectively referenced even the rationale's presented by PL in the HCP/SYP are inconsistent and contradict each other.

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CONT.

Issuance of the HCP/SYP permits will greatly negatively affect goshawk habitat by removing attributes of old-growth and residual old-growth forest from tens of thousands of acres over decades. Issuance of the HCP/SYP permits will clearly constitute a significant adverse environmental effect to the goshawk and dozens of other wildlife and plant species associated with the old-growth forest ecosystem and thus violate CEQA.

PG-8

Additionally, the California Department of Forestry (CDF) guidelines for goshawks and other wildlife are grossly deficient and their application is causing significant unmitigated adverse environmental effects in violation of CEQA.

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Numerous studies document that goshawks are negatively affected by timber harvest activities which remove large mature trees and residual old-growth or residual forests. Reference to one highly generalized study as the only document to support the position of PL is inadequate and evidence of grossly selective referencing. Numerous studies from northern California and elsewhere clearly document the important relationship between old-growth forest and components of residual forest and goshawk reproductive success and long term viability. PL has relied on one westwide highly generalized controversial analysis rather than reviewing the numerous studies regarding goshawks from northern California. The reasons for these glaring omissions are obvious; **That the findings, results and management recommendations contained within the relevant local studies do not comport with the rationales and mitigation offered in PL's HCP/SYP.** Issuance of the permits to PL for the HCP/SYP would violate NEPA and CEQA's mandate to use the best available information

PG-10

Goshawks on PL lands may be that of the Queen Charlotte subspecies which would render them even more rare and imperiled as there are so few known individuals of the Queen Charlotte subspecies.

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The analysis in the HCP/SYP does not adequately address the cumulative effects to goshawk habitat from other ongoing and reasonably foreseeable timber harvest operations in northern California and elsewhere.

PG-12

Thank you for the opportunity to assist you with this important project. If you have any questions, I can be reached at 520-623-5252 x306.

Sincerely

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## LITERATURE CITED

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- Woodbridge, B. and P. Detrich 1994. Territory occupancy and habitat patch size of northern goshawks in the southern Cascades of California. Studies in Avian Biology 16:83-87
- Woodbridge et. al. 1993. Nest site movements and reproductive success of northern goshawks in the southern Cascades of California. (63<sup>rd</sup> Annual Meeting, Cooper Ornithological Society, 4/13/1983)